

1 BOERSCH SHAPIRO LLP
2 David W. Shapiro (CA Bar No. 219265)
3 Dshapiro@boerschshapiro.com
4 235 Montgomery Street, Suite 835
5 San Francisco, CA 94104
6 Telephone: (415) 500-6640

7 Attorney for Petitioner
8 RONALD J. MCINTOSH

9
10 UNITED STATES DISTRICT COURT

11 NORTHERN DISTRICT OF CALIFORNIA

12 SAN FRANCISCO DIVISION

13 RONALD J. MCINTOSH,

14 Case No.: 3:09-cv-00750 CRB

15 Petitioner,

16 v.

17 ERIC H. HOLDER, Attorney General, and
18 ATTORNEY GENERAL FOR THE STATE
19 OF CALIFORNIA,
20 Respondents.

**PETITIONER'S MOTION SETTING
DATE FOR DISCOVERY FROM
DEFENDANTS AND ORDER**

21 Petitioner Ronald J. McIntosh hereby moves the Court for an order setting **February 17, 2014** as the date on which discovery in this case must be produced:

22 1. On December 20, 2014, the Court granted McIntosh's motion for discovery. The defendants have been represented throughout the course of proceedings by the Assistant Attorney General Pamela Critchfield.

23 2. On December 30, 2014, after receiving no communications from the State (and after the State's attorney insisted that McIntosh was required to issue subpoenas to other offices in order to obtain discovery), McIntosh requested that the Court enter a detailed order describing the items to be produced by the federal and state governments.

24 3. On January 7, 2014, the Court entered a detailed order for discovery.

25 4. On January 7, 2014, after being advised by AAG Critchfield that she had not contacted the federal government, McIntosh notified the Chief of the Criminal Division of the

1 United States Attorney's Office that the Court ordered discovery by the federal government.
2 That notification was forwarded by the Criminal Chief to the Deputy Chief of the Strike Force,
3 AUSA Wilson Leung.

4 5. On January 16, 2014, McIntosh forwarded a copy of the Court's detailed discovery
5 order to AUSA Leung, the Deputy Chief of the Strike Force, and to Pamela Critchfield, the
6 Assistant Attorney General who has represented the defendants in this case since its inception.

7 6. On or about January 16, 2014, McIntosh's counsel spoke to AUSA Leung, provided
8 the background of the discovery motion, and discussed the steps AUSA Leung would take to
9 obtain the information ordered to be disclosed. AUSA Leung advised McIntosh that Ms.
10 Critchfield had not contacted the federal government about discovery (despite that fact that she is
11 listed as counsel for AG Holder on this Court's and the Ninth Circuit's docket).

12 7. On January 23, 2014, McIntosh asked both Ms. Critchfield and Mr. Leung for the
13 status of their responses to the discovery order. Neither has responded.

14 8. McIntosh requests that the Court order the state and federal governments to comply
15 with the discovery **order on or before February 17, 2014**.

17 Dated: January 27, 2014

BOERSCH SHAPIRO LLP

19 /s/ David W. Shapiro

20 David W. Shapiro
21 Counsel for Petitioner
RONALD J. MCINTOSH

22 **IT IS SO ORDERED:**

24 Dated: January 29, 2014

